

"California Alfalfa Leaf Meal Alfaleaf Brand Manufactured by National Mineral Products Co., Ltd., * * * San Francisco, Calif. Guaranteed analysis—Crude Protein, Not less than 20 percent. * * * Crude Fibre, not more than 18.00 per cent."

The article was alleged to be misbranded in that the statements, "California Alfalfa Leaf Meal", and "Alfaleaf Brand * * * Guaranteed Analysis Crude Protein, not less than 20.00 per cent * * * Crude Fibre, not more than 18.00 per cent", borne on the label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist of leaf meal but did consist of a mixture of leaf and stem meal, and it contained less than 20 percent of crude protein and more than 18 percent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, leaf meal.

On January 10, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$30.

W. R. GREGG, *Acting Secretary of Agriculture.*

25558. Adulteration of canned tuna and misbranding of canned mackerel. U. S. v. Cohn-Hopkins, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 34090. Sample nos. 15891-B, 26793-B, 29107-B, 31627-B, 31628-B, 33302-B, 33303-B.)

This case was based on interstate shipments of canned tuna that was in part decomposed, and canned mackerel that was short in weight.

On February 11, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cohn-Hopkins, Inc., San Diego, Calif., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about December 1, 1934, from the State of California into the State of Michigan of a quantity of mackerel which was misbranded, and on or about January 4, January 31, April 17, and April 27, 1935, from the State of California into the States of Arizona, Illinois, and Oregon of quantities of canned tuna which was adulterated. The articles were labeled variously: "Wood's Quality Brand * * * Mackerel Fillet * * * Contents 7 oz. Packed by Cohn-Hopkins, Inc."; "Golden Strand Brand [or "Our Quality Brand"]", California Light Meat Tuna * * * Packed by Cohn-Hopkins, Inc."; "Natfisco Brand, Ocean's Best Light Meat Tuna * * * National Fisheries Ltd. Distributors, Chicago."

The canned tuna was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The canned mackerel was alleged to be misbranded in that the statement "contents 7 oz.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 7 ounces. Misbranding of the canned mackerel was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 24, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

25559. Misbranding of salad oil. U. S. v. 376½ Cartons and 68 Cartons of Salad Oil, and other cases. Consent decree of condemnation. Product released under bond to be repacked and relabeled. (F. & D. nos. 34171, 34222, 34239. Sample nos. 17071-B, 17073-B, 17089-B, 17090-B, 17103-B.)

These cases involved a product consisting essentially of cottonseed oil or a mixture of cottonseed oil and corn oil which was labeled to create the impression that it was imported olive oil.

On October 25, October 31, and November 2, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 444½ cartons, each containing six 1-gallon cans of salad oil, at Newark, N. J., 56 1-gallon cans of salad oil at Plainfield, N. J., and 17½ gallons of salad oil at North Bergen, N. J., alleging that the article had been shipped in interstate commerce between the dates of May 18 and October 10, 1934, by C. F. Simonin's Sons, Inc. (also known as the Medaglia D'Oro Packing Co.), from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Yolanda Brand Olio * * * C. F. Simonin's

Sons, Inc., Refiners, Philadelphia, Pa." The remainder was labeled: "High Grade Salad Oil Medaglia D'Oro Brand * * * Medaglia D'Oro Packing Co., Philadelphia, Pa."

The Yolanda brand was alleged to be misbranded in that the prominent word "Olio", the Italian name "Yolanda", and the vignette of a woman with black hair and Italian facial characteristics, appearing on the can label, and the use of the Italian national colors on the can, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it was not.

Misbranding of the Medaglia D'Oro brand was alleged for the reason that the statement, "Medaglia D'Oro Brand" and the designs of medals bearing a shield and crown, the Italian national colors, and the picture of a cavalryman in foreign uniform, appearing on the can label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to portions of the product for the further reason that the statements, "High Grade Salad Oil" and "A * * * Blend of Vegetable Oils", "Vegetable Oil", "Blend of Highest Quality Salad Oils", appearing on the labels were misleading, since the terms "vegetable oil" and "salad oil" include olive oil.

On January 6, 1936, C. F. Simonin's Sons, Inc., having appeared as claimant, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be repacked and relabeled under the supervision of this Department.

On February 27, 1936, an amendment was made to the decree ordering 26 cases of salad oil, which had been inadvertently included in the goods seized at Newark, N. J., separated from the goods before its delivery to the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25560. Adulteration of canned shrimp. U. S. v. 100 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond. (F. & D. no. 34548. Sample no. 20051-B.)

This case involved canned shrimp which was in part decomposed.

On December 11, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying condemnation and forfeiture of 100 cases of canned shrimp at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp * * * Packed by the J. H. Pelham Co. Pascagoula, Miss."

The article was alleged to be adulterated in that it consisted in part of decomposed animal substance.

On January 24, 1936, the J. H. Pelham Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the unfit portions be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25561. Adulteration of tomato catsup. U. S. v. 1,371 Cases of Catsup, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 35040, 35226, 36618. Sample nos. 27979-B, 29297-B, 43536-B.)

These cases involved shipments of tomato catsup, samples of which were found to contain excessive mold and, in some instances, filth resulting from worm infestation.

On January 30, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of catsup at Belleville, Ill. On March 7, 1935, a libel was filed against 1,371 cases of tomato catsup at Chicago, Ill., and on November 18, 1935, a libel was filed against 18 cases of the product at Newport, R. I.

It was alleged in the libels that the article had been shipped in interstate commerce on or about August 20, September 28, and November 8, 1934, by the Frazier Packing Corporation, from Elmwood, Ind., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: